

**CALIFORNIA REGIONAL WATER QUALITY CONTROL
BOARD LAHONTAN REGION**

**BOARD ORDER NO. R6T-2018-PROPOSED
WDID NO. 6A020405008**

**RESCISSION OF WASTE DISCHARGE
REQUIREMENTS, BOARD ORDER NO. R6T-2010-0015,
NPDES NO. CA0103209**

**FOR THE CALIFORNIA DEPARTMENT OF FISH AND
WILDLIFE, PAIUTE CUTTHROAT TROUT RESTORATION
PROJECT, SILVER KING CREEK, ALPINE COUNTY**

The California Regional Water Quality Control Board, Lahontan Region (Water Board), finds:

1. Discharger

The California Department of Fish and Wildlife (CDFW) is lead agency for the multi-agency Paiute Cutthroat Trout (PCT) Restoration Project in Alpine County. Other Cooperating Agencies are the US Fish and Wildlife Service and the US Forest Service. For the purposes of this Water Board Order (Order), the CDFW is hereafter referred to as the "Discharger."

3. Project Location

The Project is located a backcountry segment of Silver King Creek, Alpine County, approximately a six to nine mile hike west of Little Antelope Pack Station, Colville, CA (approximate center of project area 38° 29' 56" N, 119° 36' 18" W).

4. Waste Discharge Requirements

On April 14, 2010, the Water Board adopted Waste Discharge Requirements (WDRs) Board Order No. R6T-2010-0015, National Pollutant Discharge Elimination System (NPDES) No. CA0103209, for the Project to restore PCT to their historic native waters in Silver King Creek, Alpine County. Prior to planting PCT in Silver King Creek, populations of non-native trout were eliminated to avoid interbreeding and competition. Use of the pesticide rotenone was permitted to kill non-native trout prior to reintroduction of PCT to Silver King Creek. The oxidizing agent potassium permanganate was used to neutralize residual rotenone prior to the downstream boundary of the project area. Silver King Creek is a water of the United States, within the legal boundaries of the Carson River watershed.

5. Reasons for Action

Ending August 29, 2015, the last of three summer rotenone treatments was completed. On October 26, 2017, a CDFW Fisheries Biologist submitted a report certifying restoration of beneficial uses within the Project area. Submittal of this report fulfilled the final permit requirements to certify restoration of beneficial uses within two years completion of the final rotenone treatment.

CDFW has confirmed successful removal of non-native rainbow trout by way of environmental DNA (eDNA) analysis and backpack electrofishing surveys within the Project area. There is no need for further rotenone treatments. CDFW has expressed to Water Board staff that the Project is complete and would like the permit to be rescinded at this time. For any further rotenone projects, CDFW would need to apply for a new NPDES permit and comply with all environmental documentation and public comment requirements inherent in the process.

6. California Environmental Quality Act

Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with the California Code of Regulations, title 14, section 15321.

7. Public Notification

The Water Board has notified the Discharger and interested parties of its intent to rescind Order No. R6T-2010-0015.

IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. R6T-2010-0015 (NPDES No. CA0103209) be rescinded.

I, PATTY Z. KOUYOUMDJIAN, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on November 14, 2018.

EXECUTIVE OFFICER